

Summary of PL 96-272

Public Law 96-272, the Adoption Assistance and Child Welfare Act, was enacted by Congress in 1980. The law is a set of provisions aimed at redirecting federal fiscal incentives away from out-of-home placement and into preventive services to keep troubled families together. Where removal is necessary, P.L. 96-272 promotes family reunification or adoption, as appropriate. The law also provides for federal reimbursement of adoption subsidies for children with special needs.

P.L. 96-272 conditions state eligibility for increasing levels of federal funds on the development and implementation of services and procedural safeguards to promote quality care and permanence for children. The requirements and funding of P.L. 96-272 are divided into two program categories: Title IV-B Child Welfare Services and Title IV-E Foster Care and Adoption Assistance.

The Title IV-B provisions require:

- An inventory of all children who have been in care for six months or more, including a determination of the appropriateness of and necessity for the current placement and the services needed to facilitate return home or other permanent placement.
- A state-wide information system that provides data on demographic characteristics, legal custody status, placement characteristics and placement goals.
- A service plan for each child in foster care, describing the appropriate placement and services for the child, how the agency will provide them, and assurance that the child will be serviced in the least restrictive (most family-like) setting possible and as close as possible to the parents' home.
- A court or administrative case review to evaluate progress on the case plan at least every six months, as well as periodic Dispositional hearings in court to evaluate the appropriateness of the placement.
- Procedural safeguards to protect the interests of the child and parent when agency decisions are made to move the child or to change parental visitation arrangements.
- A reunification program designed to facilitate the return of children to their families.
- A program to promote the adoptive placement of children who cannot return to their families.

The Title IV-E provisions require:

- An adoption assistance payment program for children with Aspecial needs@ which meets certain specific criteria.
- Eligibility for Medicaid and Title XX for all children who are also eligible for foster care or adoption assistance payments.
- Statewide standards for foster family homes and institutions.

Public Law 96-272 supports three important goals:

- Foster care is intended to ensure that children=s needs for nurture and protection are met in the foster care system.
- The foster care program seeks to ensure that the parent-child attachment is strengthened and preserved to meet the child=s needs for nurture and protection.
- The foster care program seeks to strengthen and preserve the child=s ability to form attached relationships which meet the child=s needs for nurture and protection.